



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 17 2012

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

Hannah Chang
Earthjustice
156 William Street, Suite 800
New York, NY 10038

Dear Ms. Chang:

Thank you for your letter of February 23, 2012, to Dana Tulis, the U.S. Environmental Protection Agency's Chair of the National Response Team (NRT) and myself, regarding the status of rulemaking to revise the National Oil and Hazardous Substances Pollution Contingency Plan, Subpart J Product Schedule Listing Requirements. Dana Tulis and Craig Matthiessen of the Office of Emergency Management (OEM) and James Bove of the Office of General Counsel (OGC) have discussed the rule and its current schedule with you via teleconference on March 19 and April 23.

We acknowledge your concerns and share your strong sense of urgency about the revision of the Subpart J regulatory requirements regarding use of dispersants and other chemical remediation agents on oil spills. In fact, this rulemaking is an extremely high priority with the Administrator and Agency senior leadership and I have insisted that OEM honor the current rulemaking schedule for revisions to the Subpart J requirements. OEM is aggressively working to develop that proposed rule accordingly. Final Agency Review of the proposed rule package is slated for late June. A review by the Office of Management and Budget (OMB) is scheduled to begin late July as required under the Agency's Action Development Process. Part of the OMB process involves a review by other federal agencies that have a stake in the rulemaking. In anticipation of this interagency review, the EPA is coordinating with partner agencies to ensure a smooth and timely completion. The proposed rule would then be published in the Federal Register for public comment by December 2012.

In addition, OEM has partnered with the US Coast Guard and the National Oceanic and Atmospheric Administration (NOAA) to prepare guidelines governing dispersant use on the surface and subsea should a significant oil spill occur and where dispersant use is contemplated. The subsea guidelines have been reviewed by NRT and RRT member agencies and the surface guidelines will be reviewed by them as well. Thank you for your comments on the subsea dispersant guidance. We acknowledge these guidelines are an interim step while the Subpart J revisions are developed and completed, but it illustrates our desire to ensure dispersant use is carefully evaluated and monitored.

Again, thank you for your letter. If you have any questions about the Subpart J rulemaking, please call Craig Matthiessen, Director of OEM's Regulation and Policy Development Division, at 202-564-8016.

Sincerely;

A handwritten signature in dark ink, appearing to read "Lawrence M. Stanton". The signature is fluid and cursive, with a large initial "L" and "S".

Lawrence M. Stanton
Director, Office of Emergency Management